

REMARKS

I. Introduction

The Applicants' invention is related to controlling communication sessions in mobile networks. Without reference to any specific claim, each of the claims generally describe, in varying levels of detail and with various related steps or components, methods and systems where a mobile device is engaged in a first communication session over an air interface, and a request to accept a second communication session is detected; upon accepting the second communication session, the first communication session is put on hold and the second communication session occurs over the same air interface.

In the Final Office Action mailed on November 28, 2006, the Examiner rejected all the claims (1-26) as unpatentable under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,490,624 to Sampson, et al. (hereinafter "Sampson"). (Office Action, page 2) Unlike Applicant's disclosed invention, Sampson describes a system that simplifies the way in which computer users, or "clients," access information on protected servers. In particular, Sampson describes a system that enables a client to access information on multiple protected servers controlled by multiple access servers without having to log in to each access server that controls each protected server by providing a session manager that tracks client-server session information and grants clients access to protected servers based on the client-server session information. Sampson does not disclose many aspects of the Applicants' claimed invention, including, among others: (1) putting a first communications session with a mobile device on hold and accepting a second communications session; or (2) a second communication session occurring over the same air interface as the first communication session. Therefore, the Applicants submit that the rejection is improper and should be withdrawn because the Sampson reference does not teach each and every element recited in the claims, as particularly set forth below.

II. Response to the Claim Rejections

A. Claims 1-7

The Applicants submit that the Examiner's rejection of claim 1 is improper for at least the reason the rejection does not comply with MPEP 707.07(d) which states that "[a] plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group." Here, the Examiner grouped claims 1 and 8 together in a common

rejection (Office Action, page 2, point 2), but the rejection is not applicable to both claims because claims 1 and 8 have different claim elements. Thus, the Applicants are unable to specifically rebut the Examiner's assertion that Sampson anticipates claim 1 because the Examiner has not indicated which portions of Sampson are believed to show or suggest the elements of claim 1.

Although the Examiner has not stated which portions of Sampson are believed anticipate claim 1, Applicants submit that Sampson does not anticipate claim 1 for at least the reason that Applicants find nothing in Sampson that shows or suggests, individually or in combination, the Applicants' claimed steps of: (1) "detecting a second communication session to be connected to the client device"; (2) "determining whether the second communication session is accepted on the client device"; (3) "determining whether the first communication session is put on hold on the client device to communicate data associated with the second communication session"; (4) "intercepting data flow associated with the first communication session"; or (5) "switching data flow associated with the second communication session to an existing air interface associated with the first communication session."

Therefore, the Applicants submit that Sampson does not teach each and every limitation recited in claim 1. Accordingly, the Applicants submit that claim 1 is allowable over Sampson for at least the reasons set forth above. Claims 2-7 depend from claim 1. Thus, the Applicants further submit that claims 2-7 are allowable over Sampson for at least the reason that they depend from an allowable claim.

B. Claims 8-12

The Applicants submit that Sampson does not teach each and every limitation recited in claim 13 for at least the reasons set forth below. Accordingly, the Applicants submit that claim 13 is allowable over Sampson. Claims 14-17 depend from claim 13. Thus, the Applicants further submit that claims 14-17 are allowable over Sampson for at least the reason that they depend from an allowable claim.

- 1. Sampson does not teach "determining whether the second communication session is accepted and the first communication session is put on hold on the mobile terminal"; or "sending a policy management control message to a serving node associated with the mobile node, the policy management control message including instructions to intercept on the serving node a data flow associated with the first communication session, and further to use an existing air interface associated with the first communication session for communicating data associated with the second communication session" as recited in Claim 8.**

The Examiner states that Sampson, col. 18, lines 31-44 teaches these elements. (Office Action, page 2) In contrast, the Examiner's cited section of Sampson describes a "[n]etwork link 720" providing "data communications through one or more networks to other data devices," where the "data devices" are described as "a host computer 724 or...data equipment operated by an Internet Service Provider (ISP) 726," where "ISP 726 in turn provides data communication services through the world wide packet data communications network now commonly referred to as the 'Internet' 728," and where "[l]ocal network 722 and Internet 728 both use electrical, electromagnetic or optical signals that carry digital data streams." (Sampson, col. 18, lines 31-44)

Sampson's description of the basic interaction between local hosts and data equipment operated by an ISP which allows the local hosts to communicate with other hosts over the Internet does not show or suggest the Applicants' claimed steps of "determining whether the second communication session is accepted and the first communication session is put on hold on the mobile terminal" or "sending a policy management control message to a serving node associated with the mobile node, the policy management control message including instructions to intercept on the serving node a data flow associated with the first communication session, and further to use an existing air interface associated with the first communication session for communicating data associated with the second communication session."

Moreover, the Applicants find nothing in Sampson that shows or suggests "determining whether the second communications session is accepted...on the mobile terminal" or "determining whether...the first communication session is put on hold on the mobile terminal" for at least the reasons that Sampson does not describe communications sessions on mobile terminals or putting a mobile terminal's communication session on hold. Additionally, Applicants find nothing in Sampson that shows or suggests the Applicants' claimed step of "sending a policy management control message including instructions to intercept on the serving node a data flow associated with the first communication session" for at least the reason that Sampson does not disclose any device which sends or receives any sort of "intercept...a data flow" instruction. Finally, Applicants find nothing in Sampson that shows or suggests any device which sends or receives any sort of "policy management control message including instructions to...use an existing air interface associated with the first communication session for communicating data associated with the second communication session" for at least the reason that nothing in Sampson discloses using an air interface for a mobile node communication session.

Therefore, the Applicants submit that Sampson does not recite each and every limitation of claim 8. Accordingly, the Applicants submit that claim 8 is allowable over Sampson for at least the reasons set forth above. Claims 9-12 depend from claim 8. Thus, the Applicants further submit that claims 9-12 are allowable over Sampson for at least the reason that they depend from an allowable claim.

C. Claims 13-17

The Applicants submit that Sampson does not teach each and every limitation recited in claim 13 for at least the reasons set forth below. Accordingly, the Applicants submit that claim 13 is allowable over Sampson. Claims 14-17 depend from claim 13. Thus, the Applicants further submit that claims 14-17 are allowable over Sampson for at least the reason that they depend from an allowable claim.

1. Sampson does not teach “notifying a user of the mobile node about the second communication session, wherein the user is notified using an identifier selected on the mobile node based on a data type associated with the second communication session” or “determining if the second communication session is accepted by the user” as recited in Claim 13.

The Examiner states that Sampson, col. 14, lines 24-49 teaches these elements. (Office Action, page 4) In contrast, the Examiner’s cited section of Sampson describes a process where two session managers communicate with each other to determine when a client last accessed a protected resource. First, a “Client 100...requests a protected resource from Protected Server 104B,” and “Runtime 406B updates the Last Access Time value, and provides it to Session Manager 420A.” (Sampson, col. 14, lines 24-27) Then, if “Client 100 actively works with resources managed by Protected Server 104B for more than 15 minutes, and then returns to Access Server 104A to obtain one of its protected resources,” then “Session Manager 420A determines that Client 100 is active and may interact with Protected Server 104A to access its resources” because “the Last Access Time value is updated by Session Manager 420B each time Client 100 interacts with Access Server 104B” and Session Manager 420B communicates with Session Manager 420A. (Sampson, col. 14, lines 29-36). But if Session Manager 420B did not or could not communicate with Session Manager 420A, then “Session Manager 420A would determine that Client 100 last contact it more than 15 minutes ago, and an Idle Timeout error would occur” which would then require Client 100 “to re-authenticate itself before Access Server 104B could grant access to its protected resources.” (Sampson, col. 14, lines 37-49)

Sampson's description of two session managers communicating with each other to determine when a client last accessed a protected resource does not teach the Applicants' claimed step of "notifying a user of the mobile node about the second communication session, wherein the user is notified using an identifier selected on the mobile node based on a data type associated with the second communication session" for at least the reasons that Sampson does not disclose: (1) "notifying a user"; or (2) "an identifier selected on the mobile node." Moreover, Sampson does not teach the Applicants' claimed step of "determining if the second communication session is accepted by the user" for at least the reason that Sampson does not describe any sort of communication session being accepted by a user, much less any determination that a communication session is accepted by a user.

- 2. Sampson does not teach "sending a second signaling message from the mobile node, the second signaling message comprising instructions to put the first communication session on hold and activate the second communication session"; "intercepting a first data flow associated with the first communication session to the mobile node"; or "switching a second data flow associated with the second communication session to an air interface associated with the first communication session" as recited in Claim 13.**

The Examiner states that Sampson, col. 14, lines 43-67 teaches these elements. (Office Action, page 4) In contrast, the Examiner's cited section of Sampson describes a "Topology Mechanism 440" that "sends one or more Purge Session messages to the Session Managers" after "expiration of a pre-determined time period" which causes "each Session Manager [to] delete from its storage media any session information that is older than the predetermined time period." (Sampson, col. 14, lines 50-59) Sampson further explains that the "Purge Session messages" are desirable because "a Session Manager that receives the Purges Session object is deleted from memory and the memory [the Session Manager] occupied is recovered." (Sampson, col. 14, lines 59-67).

First, Sampson's description of a "Topology Mechanism" sending "Purge Session message" to "Session Managers" to free up memory space does not teach the Applicants' claimed step of "sending a second signaling message from the mobile node, the second signaling message comprising instructions to put the first communication session on hold and activate the second communication session" because Sampson's "Topology Mechanism" is not a mobile node and the "Purge Session message" sent by the "Topology Mechanism" does not contain "instructions to put the first communication session on hold and activate the second communication session"

Second, nothing in Sampson's description of a "Topology Mechanism" sending "Purge Session message" to "Session Managers" to free up memory space teaches anything even related to

the Applicants' claimed steps of "intercepting a first data flow associated with the first communication session to the mobile node"; or "switching a second data flow associated with the second communication session to an air interface associated with the first communication session."

Finally, the Applicants find nothing in Sampson that shows or suggests the Applicants' claimed steps of "intercepting a first data flow associated with the first communication session to the mobile node" or "switching a second data flow associated with the second communication session to an air interface associated with the first communication session" for at least the reasons that: (1) nothing in Sampson discloses any sort of "intercepting a first data flow" step or any device that performs any sort of "intercepting a first data flow" step; and (2) nothing in Sampson discloses any sort of "switching a...data flow ... to an air interface" step or any device which might perform the step of "switching a...data flow ... to an air interface."

D. Claims 18-21

The Applicants submit that the Examiner's rejection of claim 18 is improper for at least the reason the rejection fails to comply with MPEP 707.07(d) which states that "[a] plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group." Here, the Examiner grouped claims 13, 18, and 22 together in a common rejection (Office Action, page 4, point 9), but the rejection is not applicable to all three claims because claims 13, 18, and 22 each have different claim elements. Thus, the Applicants are unable to specifically rebut the Examiner's assertion that Sampson anticipates claim 18 because the Examiner has not indicated which portions of Sampson are believed to show or suggest the elements of claim 18.

Although the Examiner has not stated which portions of Sampson are believed anticipate claim 18, Applicants submit that Sampson does not anticipate claim 18 because Applicants find nothing in Sampson that shows or suggests "[a] network device for packet session control in a communication network, the network device configured to switch a second communication session associated with a mobile node to an existing air interface responsive to detecting that a first communication session associated with the mobile node is suspended" as recited in claim 18.

Therefore, the Applicants submit that Sampson does not teach each and every limitation recited in claim 18. Accordingly, the Applicants submit that claim 18 is allowable over Sampson for at least the reasons set forth above. Claims 19-21 depend from claim 18. Thus, the Applicants further submit that claims 19-21 are allowable over Sampson for at least the reason that they depend from an allowable claim.

E. Claims 22-26

The Applicants submit that the Examiner's rejection of claim 22 is improper for at least the reason the rejection fails to comply with MPEP 707.07(d) which states that "[a] plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group." Here, the Examiner grouped claims 13, 18, and 22 together in a common rejection (Office Action, page 4, point 9), but the rejection is not applicable to all three claims because claims 13, 18, and 22 each have different claim elements. Thus, the Applicants are unable to specifically rebut the Examiner's assertion that Sampson anticipates claim 22 because the Examiner has not indicated which portions of Sampson are believed to show or suggest the elements of claim 22.

Although the Examiner has not stated which portions of Sampson are believed anticipate claim 22, Applicants submit that Sampson does not anticipate claim 22 for at least the reason that Applicants find nothing in Sampson that shows or suggests, individually or in combination, the recited claim elements of: (1) "mobile node comprising a user-configurable interface, the interface comprising a plurality of new session notification signals for a plurality of data types associated with incoming communication sessions, the mobile node being further configured to conduct a first communication session and receive a signaling message including instructions to connect a second communication session to the mobile node, and responsive to receiving the signaling message, the mobile node being further configured to determine a data type associated with the second communication session and provide a notification signal associated with the determined data type to a user associated with the mobile node"; or (2) "a serving node in communication with the mobile node, the serving node configured to control communication session on the mobile node, the serving node being further configured to switch the second communication session to an existing air interface associated with the first communication session responsive to detecting that the first communication session is suspended on the mobile node and the second communication session is accepted by the user of the mobile node."

Therefore, the Applicants submit that Sampson does not teach each and every limitation recited in claim 22. Accordingly, the Applicants submit that claim 22 is allowable over Sampson for at least the reasons set forth above. Claims 23-26 depend from claim 22. Thus, the Applicants further submit that claims 23-26 are allowable over Sampson for at least the reason that they depend from an allowable claim.

III. Conclusion

The Applicants submit that the present application is in condition for allowance, and notice to that effect is hereby requested. Should the Examiner feel that further dialog would advance the subject application to issuance, the Examiner is invited to telephone the undersigned at (312) 913-3305.

Respectfully submitted,
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